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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,734	01/12/2001	Sandra Hutchins	05313P002	9760

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LOS ANGELES, CA 90025

EXAMINER
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ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 08/01/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/759,734

Applicant(s)

HUTCHINS, SANDRA



Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 9, 2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-16, 19-23, 25-28, 32-35, 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zinser et al (US Patent No. 6,138,092), hereinafter referred to as Zinser, in view of Lee et al (US Patent No. 5,617,507), hereinafter referred to as Lee, and further in view of well known prior art.

As per claims 14, 26, Zinser discloses a method comprising:  
receive a plurality of signals form a first transmission device, (see Fig. 1, item 102);  
encode the plurality of signals in a compressed format, (see col. 4, lines 31-35); and transmit the plurality of signals in a compressed format through a transmission medium based on a plurality

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of prioritized parameters to dynamically reduce signal bandwidth while preserving perceptual signal quality, (see col. 5, lines 1-40; col. 4, lines 54-56; col. 14, lines 35-60 and Fig. 1).

Zinser does not specifically teach the data are transmitted at variable frame rates. However, implementation of variable frame rates in a compression scheme was well known in the art as a means to encode data or signals in an optimum and efficient manner.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to implement transmission of the signals in a compressed format at variable frame rates, as was well known in the art, for the purpose of encoding the data in an optimum or efficient manner, as was also well known in the art.

Zinser does not specifically teach wherein prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority. However, this feature was well known in the art, as evidenced by Lee who teaches speech segment coding and pitch control methods that selects and arranges the most appropriate parameters to ensure good quality synthetic speech will be generated (col. 17, line 65 to col. 21, line 51). Lee teaches that careful selecting of appropriate parameters helps to maintain the quality of the original speech (col. 2, lines 34-48).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Zinser to implement prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority, as suggested by Lee, for the purpose of maintaining the quality of the original speech, as suggested by Lee (col. 2, lines 34-48).

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As per claims 20, 33, Zinser discloses a method comprising:

receive a plurality of signals from a first transmission device in a compressed format through a transmission medium based on a plurality of prioritized parameters to dynamically reduce signal bandwidth while preserving perceptual signal quality, (see Fig. 5 and Fig. 1, items 20, 17, 21; col. 15, lines 20-30);

Decode the plurality of signals and transmit the decoded signals to a first receiving device, (see Fig. 1, item 20 and 107).

Zinser does not specifically teach the data are transmitted at variable frame rates. However, implementation of variable frame rates in a compression scheme was well known in the art as a means to encode data or signals in an optimum and efficient manner.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to implement transmission of the signals in a compressed format at variable frame rates, as was well known in the art, for the purpose of encoding the data in an optimum or efficient manner, as was also well known in the art.

Zinser does not specifically teach wherein prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority. However, this feature was well known in the art, as evidenced by Lee who teaches speech segment coding and pitch control methods that selects and arranges the most appropriate parameters to ensure good quality synthetic speech will be generated (col. 17, line 65 to col. 21, line 51). Lee teaches that careful selecting of appropriate parameters helps to maintain the quality of the original speech (col. 2, lines 34-48).

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Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Zinser to implement prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority, as suggested by Lee, for the purpose of maintaining the quality of the original speech, as suggested by Lee (col. 2, lines 34-48).

As per claim 40, Zinser discloses an apparatus comprising: means for encoding a plurality of input signals, the means for encoding including: means for identifying input signal segments, (see Fig. 1, item 102); means for extracting a plurality of parameters describing signal segments, (see col. 5, lines 1-40); and means for associating priority values to the plurality of parameters (col. 5, lines 1-40; col. 4, lines 45-56).

Zinser does not specifically teach the data are transmitted at variable frame rates. However, implementation of variable frame rates in a compression scheme was well known in the art as a means to encode data or signals in an optimum and efficient manner.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to implement transmission of the signals in a compressed format at variable frame rates, as was well known in the art, for the purpose of encoding the data in an optimum or efficient manner, as was also well known in the art.

Zinser does not specifically teach prioritized epoch parameters. However, this feature was well known in the art, as evidenced by Lee who teaches speech segment coding and pitch control methods that selects and arranges the most appropriate parameters to ensure good quality synthetic speech will be generated (col. 17, line 65 to col. 21, line 51). Lee teaches that careful

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selecting of appropriate parameters helps to maintain the quality of the original speech (col. 2, lines 34-48).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Zinser to implement prioritized epoch parameters, as suggested by Lee, for the purpose of maintaining the quality of the original speech, as suggested by Lee (col. 2, lines 34-48).

As per claim 42, Zinser discloses an apparatus comprising: means for decoding a plurality of compressed signals; the decoding means including: means for reconstructing parameters from the plurality of compressed signals; means for constructing an excitation signal; means for producing a raw output signal; and means for producing a final output signal.

Zinser does not specifically teach the data are transmitted at variable frame rates. However, implementation of variable frame rates in a compression/decompression scheme was well known in the art as a means to encode data or signals in an optimum and efficient manner.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to implement transmission of the signals in a compressed format at variable frame rates, as was well known in the art, for the purpose of encoding the data in an optimum or efficient manner, as was also well known in the art.

Zinser does not specifically teach wherein prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority. However, this feature was well known in the art, as evidenced by Lee who teaches speech segment coding and pitch control methods that selects and arranges the most appropriate parameters to ensure good quality synthetic speech will be generated (col. 17, line 65 to col. 21, line 51). Lee teaches that careful

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selecting of appropriate parameters helps to maintain the quality of the original speech (col. 2, lines 34-48).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Zinser to implement prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority, as suggested by Lee, for the purpose of maintaining the quality of the original speech, as suggested by Lee (col. 2, lines 34-48).

As per claims 15-16, 19, 21-22, 24-25, 27-28, 31-32, 34-35, 37-39, 41, and 43, claims 21-22, 24-25, 27-28, 31-32, 34-35, 37-39, and 41 are similar in scope and content to claims 14-16 and 19 rejected above, and therefore claims 15-16, 19, 21-22, 24-25, 27-28, 31-32, 34-35, 37-39, and 41, are rejected under the same rationale.

3. Claims 1-13, 17-18, 23, 29-30, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zinser in view of Bergstrom (US Patent No. 5,809,459), in view of Lee et al (US Patent No. 5,617,507), hereinafter referred to as Lee, and further in view of well known prior art .

As per claim 1, Zinser discloses an apparatus comprising an encoder for compressing a plurality of signals (see col. 7, lines 13-14), based on a plurality of prioritized parameters to dynamically reduce signal bandwidth while preserving perceptual signal quality, (see col. 4, lines 31-35; col. 5, lines 1-40; col. 4, lines 54-56; col. 14, lines 35-60).



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Zinser fails to explicitly teach an apparatus wherein the encoder comprises an epoch locator unit, a first and second epoch analyzer and a frame assembler unit. However, these features were well known in the art of speech compression.

In a similar field of endeavor, Bergstrom discloses an encoder comprising an epoch locator unit, (see Fig. 1, item 110), a first and second epoch analyzer, (see Fig. 8 and Fig. 9) and a frame assembler unit (Fig. 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an encoder comprising an epoch locator unit, a first and second epoch analyzer and a frame assembler as taught by Bergstrom, for the purpose of improving speech compression rates without significant loss of quality.

Zinser does not specifically teach the data are transmitted at variable frame rates. However, implementation of variable frame rates in a compression scheme was well known in the art as a means to encode data or signals in an optimum and efficient manner.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to implement transmission of the signals in a compressed format at variable frame rates, as was well known in the art, for the purpose of encoding the data in an optimum or efficient manner, as was also well known in the art.

Zinser does not specifically teach wherein prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority. However, this feature was well known in the art, as evidenced by Lee who teaches speech segment coding and pitch control methods that selects and arranges the most appropriate parameters to ensure good quality synthetic speech will be generated (col. 17, line 65 to col. 21, line 51). Lee teaches that careful

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selecting of appropriate parameters helps to maintain the quality of the original speech (col. 2, lines 34-48).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Zinser to implement prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority, as suggested by Lee, for the purpose of maintaining the quality of the original speech, as suggested by Lee (col. 2, lines 34-48).

As per claim 2, Zinser discloses a method wherein the transmission rate of the plurality of compressed signals is dynamically set, (see col. 14, lines 35-60).

As per claims 3, Zinser discloses a method wherein the plurality of compressed signals are speech signals, (see Abstract and col. 8, lines 36-48).

As per claim 8, Zinser discloses a method wherein a priority level of each of the plurality of prioritized parameters is based on quality of speech, (see col. 5, lines 5-40).

As per claim 9, Zinser discloses a parameter decoding unit couple to an excitation generator, (see col. 15, lines 19-30). A synthesizing filter coupled to the excitation generator, (see col. 15, lines 31-36). An output scaling and filtering unit coupled to the synthesizing filter, (see col. 15, lines 41-44). Additionally, Zinser discloses an apparatus comprising an decoder for decompressing a plurality of signals based on a plurality of prioritized parameters to dynamically reduce signal bandwidth while preserving perceptual signal quality, (see Fig. 5; col. 15, lines 20-30; col. 14, lines 35-60).

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Zinser fails to explicitly teach an apparatus wherein the decoder comprises a frame disassembler unit. However, implementation of this feature was well known in the art of speech compression.

In a similar field of endeavor, Bergstrom discloses a decoder comprising a frame disassembler unit (see Figure 29; col. 18, lines 7-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a decoder comprising a frame disassembler as taught by Bergstrom, for the purpose of improving speech compression and synthesis without significant loss of quality.

Zinser does not specifically teach the data are transmitted at variable frame rates. However, implementation of variable frame rates in a compression/decompression scheme was well known in the art as a means to encode data or signals in an optimum and efficient manner.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to implement transmission of the signals in a compressed format at variable frame rates, as was well known in the art, for the purpose of encoding the data in an optimum or efficient manner, as was also well known in the art.

Zinser does not specifically teach wherein prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority. However, this feature was well known in the art, as evidenced by Lee who teaches speech segment coding and pitch control methods that selects and arranges the most appropriate parameters to ensure good quality synthetic speech will be generated (col. 17, line 65 to col. 21, line 51). Lee teaches that careful

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selecting of appropriate parameters helps to maintain the quality of the original speech (col. 2, lines 34-48).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Zinser to implement prioritized epoch parameters are reduced based on each of said plurality of epoch data parameters respective priority, as suggested by Lee, for the purpose of maintaining the quality of the original speech, as suggested by Lee (col. 2, lines 34-48).

As per claims 4-7, 10-13, 17-18, 23, 29-30, and 36, claims 4-7, 10-13, 17-18, 23, 29-30, and 36 are similar in scope and content to claims 1-3 and 8-9 rejected above, and therefore claims 4-7, 10-13, 17-18, 23, 29-30, and 36 are rejected under the same rationale.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taubenheim et al (US Patent No. 6,185,525) who teaches a method and apparatus for digital signal compression.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Angela A. Armstrong  
Examiner  
Art Unit 2654

AAA  
July 27, 2003

  
Richemond Dorvil  
Primary Examiner